



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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March 14, 2008

VIA ECF AND FAX: (212) 805-7935 (BY PERMISSION)

Honorable Jed S. Rakoff
United States District Judge
United States District Court
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1340
New York, NY 10007

Re: Millinia Gardiner, et al. v. The City of New York, et al., 07 CV 7938 (JSR)

Your Honor:

Enclosed please find a STIPULATION OF DISMISSAL AND DISCONTINUANCE which has been executed by the parties in the above-referenced matter. We respectfully request that Your Honor endorse the enclosed STIPULATION.

Additionally, in light of the above, the parties respectfully submit that the Court conference scheduled for March 17, 2008 at 2:00 p.m. is no longer necessary, and we respectfully request that the Court adjourn it.

In view of the foregoing, it is respectfully requested that the Court grant the within requests.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sarah B. Evans".

Sarah B. Evans
Assistant Corporation Counsel
Special Federal Litigation Division

Enc.

cc: Mark L. Lubelsky, Esq. (Via ECF)
Mark Lubelsky and Associates
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03/17/08 p.m. 03/07/2008

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Care of MILLINIA GARDINER, an infant under the age of 14 years, by her mother and natural guardian, MICHELLE MUMFORD, CHARLES GARDINER, an infant under the age of 14 years, by his mother and natural guardian, MICHELLE MUMFORD, and MICHELLE MUMFORD, Individually.

STIPULATION OF
DISMISSAL AND
DISCONTINUANCE

07 CV 7938 (JSR)

Plaintiff,

-against-

CITY OF NEW YORK, THE NEW YORK CITY POLICE
DEPARTMENT, and THE NEW YORK CITY HOUSING
AUTHORITY.

Defendants.

WHEREAS, plaintiff Michelle Mumford, individually and as natural guardian of infant plaintiff Millinia Gardiner and Charles Gardiner, Millinia Gardiner, and Charles Gardiner commenced this action by filing a complaint on or about September 10, 2007, alleging that certain of their constitutional rights were violated; and

WHEREAS, defendants City of New York, the New York City Police Department and the New York City Housing Authority have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, plaintiff Michelle Mumford, as an individual plaintiff and as the natural guardian of infant plaintiffs Millinia Gardiner and Charles Gardiner, has authorized counsel to voluntarily withdraw plaintiffs' claims as against defendants; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admissions of fault or liability;

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IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties herein, that all claims that were asserted or could have been asserted on behalf of plaintiff in this action arising out of the events alleged in the complaint as against the City of New York, the New York City Police Department, the New York City Housing Authority, any unidentified individuals, their successors, or assigns, and all past and present officials, employees, representatives and agents of the City of New York, the New York City Police Department and the New York City Housing Authority, are hereby dismissed and discontinued with prejudice and without attorneys' fees or costs to any party.

Dated: New York, New York
January 12, 2008
M.L.

Mark Lubelsky, Esq.
Mark Lubelsky and Associates
Attorney for Plaintiff
123 West 18th Street
New York, NY 10011-4127

By:

Mark Lubelsky, Esq.
Attorney for Plaintiff

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By:

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Housing Authority
150 East 42nd Street
New York, NY 10017

By:

Deborah Moyer, Esq.
Attorney for Co-Defendant

SO ORDERED

U.S.D.J.